



**Virginia
Regulatory
Town Hall**

**Notice of Intended Regulatory Action
Agency Background Document**

Agency Name:	Virginia Department of Social Services
VAC Chapter Number:	22 VAC 40-705
Regulation Title:	Child Protective Services
Action Title:	Amendment
Date:	November 3, 1999

This information is required prior to the submission to the Registrar of Regulations of a Notice of Intended Regulatory Action (NOIRA) pursuant to the Administrative Process Act § 9-6.14:7.1 (B). Please refer to Executive Order Twenty-Five (98) and Executive Order Fifty-Eight (99) for more information.

Purpose

Please describe the subject matter and intent of the planned regulation. This description should include a brief explanation of the need for and the goals of the new or amended regulation.

The purpose of this review of the regulations is to strengthen the regulations, particularly in the areas of case documentation and child fatality protocols. Problems have been noted in both these areas in the past year, and amending the regulations to clarify expectations would be one step toward correcting the problems.

Basis

Please identify the state and/or federal source of legal authority to promulgate the contemplated regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or discretionary. The correlation between the proposed regulatory action and the legal authority identified above should be explained. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority must be provided.

The Code of Virginia § 63.1-25 places authority with the Board of Social Services to make regulations "to carry out the true purpose and intent of this title." § 63.2-248 et seq. places responsibility for providing protective services to children (CPS) with the Department of Social Services. The proposed regulatory action is in regard to the child protective services regulations.

Substance

Please detail any changes that would be implemented: this discussion should include a summary of the proposed regulatory action where a new regulation is being promulgated; where existing provisions of a regulation are being amended, the statement should explain how the existing regulation will be changed. The statement should set forth the specific reasons the agency has determined that the proposed regulatory action would be essential to protect the health, safety or welfare of citizens. In addition, a statement delineating any potential issues that may need to be addressed as the regulation is developed shall be supplied.

No preliminary language has been developed, because the intent here is for a review of all the regulations. There is a specific regulation {22 VAC 40-705-50(E)(3)} that addresses reporting of child fatalities to the Department of Social Services. However, case documentation is mentioned specifically in a number of regulations and alluded to in many sections. Consideration will be given to how to make the regulations more prescriptive so that the expectations for local agencies are clear.

Alternatives:

Please describe, to the extent known, the specific alternatives to the proposal that have been considered or will be considered to meet the essential purpose of the action.

It is the desire of the Department of Social Services and of the State Board of Social Services to improve the Child Protective Services delivery system without making it overly burdensome or more expensive to local departments and taxpayers. The purpose of this regulatory action is to clarify and define the parameters of the regulations in regard to at least two areas of concern: reporting child fatalities and case record documentation.

Family Impact Statement

Please provide a preliminary analysis of the potential impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

- 1) All CPS regulations are intended to strengthen the authority and rights of parents to provide adequate care to their children, while maintaining the safety of those children. Any amendment to the regulations will give significant attention to these issues.
- 2) Any new or amended regulations will also be proposed with the intent of supporting parents' responsibilities toward their children.
- 3) & 4) Any impact on the individual's marital commitment or income will be secondary to the impact intended on the parent/child relationship.